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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,143	08/20/2003	Vikram Magoon	P16184	7155
45459	7590	06/07/2006	EXAMINER	
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC C/O PORTFOLIO IP P. O. BOX 52050 MINNEAPOLIS, MN 55402			VAN ROY, TOD THOMAS	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,143	Applicant(s) MAGOON, VIKRAM	
	Examiner Tod T. Van Roy	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amending of claims 1, 7, and 12.

Response to Arguments

Applicant's arguments, see Remarks, filed 01/27/2006, with respect to claims 1, 7, and 13 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

The examiner agrees that due to the current amendment, the previous rejection of the claims is withdrawn.

Double Patenting

As discussed in the applicant's Remarks, pg.11, the provisional obviousness type double patenting rejection is stayed pending the outcome of the co-pending application No. 10/422829.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 2828

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 6373346) in view of Bosch et al. (US 6130562) and further in view of Inoue et al. (US 6975813).

With respect to claims 1 and 7, Kobayashi teaches a laser driver circuit comprising an input stage (fig.6 #102,104) to receive an input signal (fig.6 IN+,IN-), a limiting amplifier (fig.6 #Q3, Q4 and #Q23, Q24 forming amps) to generate a pulse data output signal (figs. 3a-3b) comprising a duty cycle (seen in figs. 3a-3b), an output stage to modulate an output current signal based upon the pulse data output signal (fig.6 #108, col.5 lines 28-30), and a duty cycle control circuit (fig.6 #150) to control the duty cycle of the pulse data output signal. Kobayashi does not teach the duty cycle to be based on an average power of the pulse data output signal, or to include an average power approximation circuit. Bosch teaches a laser driving circuit with an output feedback circuit to a duty cycle input circuit (fig.3 #212) based on a power of the output (fig.3 #124, from #148 to VC2). Inoue teaches a laser driving circuit wherein an average power approximation circuit is used, and coupled to a feedback loop (fig.4 #20, resistor/capacitor). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser driver of Kobayashi with the feedback circuit based, in part, on the output power, of Bosch in order to actively adjust the input levels based on the values seen at the output, as well as to couple the feedback loop with the average power approximation circuit of Inoue in order to use an averaged value of the

Art Unit: 2828

output power, rather than a single, instantaneous value to obtain more comprehensive feedback to the input controlling circuit.

With respect to claim 2, Kobayashi, Bosch and Inoue teach the laser driver as outlined in the rejection to claim 1, and further teach the input signal to comprise a bi-level signal (Kobayashi, fig.6 IN+, IN-; col.3 lines 47-48).

With respect to claims 3 and 8, Kobayashi, Bosch and Inoue teach the laser driver as outlined in the rejection to claim 1, and further teach the input stage to generate a differential signal on first and second terminals (fig.6 OUT+,OUT-) coupled to the limiting amplifier (fig.6, OUT+/- coupled to both limiting amps made up of #Q3/4 and #Q23/24), and wherein the duty cycle circuit comprises a current steering circuit to apply an offset current to at least one of the first and second terminals (col.6-7 lines 63-2) in response to the approximation of the average power of the pulse data output signal.

Claims 4-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, Bosch and Inoue and further in view of Gilliland et al. (US 6711189).

With respect to claims 4 and 9, Kobayashi, Bosch and Inoue teach the laser driver as outlined in the rejection to claim 1, and further teach a resistor pair, Rdcd1 and Rdcd2, located in the duty control circuit to be used to set the VDCD control voltage which effects the duty cycle of the pulse data output signal (Kobayashi, col.7 lines 2-11). Kobayashi and Larson do not teach the use of a potentiometer. Gilliland teaches a laser power control circuit in which a potentiometer is used to control an output voltage (abs.

Art Unit: 2828

lines 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser driver duty control circuit with the potentiometer of Gilliland in order to allow for adjustability of the resistance values and hence the controlling voltage.

With respect to claims 5-6 and 10-11, Kobayashi, Bosch and Inoue, and Gilliland teach the laser driver as outlined in the rejection to claims 4 and 9 above, and further teach the duty control circuit to comprise a differential amplifier (Kobayashi, fig.6 formed from QDCD1 and QDCD2) to generate a differential voltage on first and second terminals (Kobayashi, col.7 lines 13-35, terminals leading to Q4 and Q24) in response to the pulse data output signal, and wherein the potentiometer (Kobayashi's Rdcd1 and Rdcd2 having been replaced by Gilliland's potentiometer) is coupled to the differential amplifier to determine a resistance between a voltage source (Kobayashi, fig.6 VDCD) and each of the first and second terminals (Kobayashi, col.7 lines 2-35, speaking of how the resistance changes the VDCD offset level applied through the two terminals to affect the output pulse data).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, Bosch and Inoue and further in view of Kenny (US 6654565).

With respect to claim 12, Kobayashi, Bosch and Inoue teach the laser driver outlined in the rejection to claim 1, and further teach the driver to be used with a laser device (Kobayashi, col.1 lines 37-50). Kobayashi, Bosch and Inoue do not teach the laser driver to use a serializer. Kenny teaches a communication system utilizing a

Art Unit: 2828

serializer (fig.9 #930). It would have been obvious at the time of the invention to combine the laser driver of Kobayashi, Bosch and Inoue with the serializer of Kenny in order to implement the laser and driver into a high-speed system (Kenny, col.19 lines 56-60).

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, Bosch and Inoue and Kenny, and further in view of Diaz et al. (US 6822987).

With respect to claim 13, Kobayashi, Bosch and Inoue, and Kenny teach the laser driving system as outlined in the rejection to claim 12, but do not teach the use of a SONET framer. Diaz teaches a high-speed laser array which uses a SONET framer (col.10 lines 46-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser driver system of Kobayashi, Bosch and Inoue and Kenny with the SONET framer of Diaz in order to provide for high bit rate during very high speed applications (Diaz, col.9 lines 50-57).

With respect to claims 14-17, Kobayashi, Bosch and Inoue, Kenny, and Diaz teach the laser system as outlined in the rejections to claims 12, and 13, while it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser system with a switch fabric coupled to the SONET, an Ethernet MAC and a multiplexed data bus since these components are well known and widely used in communications systems.

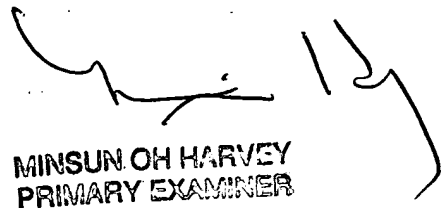
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MINSUN OH HARVEY
PRIMARY EXAMINER